



TUL2BUSA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/632,780 Confirmation No.: 3659  
Applicant : M. Philipp  
Filed : August 1, 2003  
TC/A.U. : 1645  
Examiner : R. Zeman  
Customer No. : 00270  
Title : SURFACE ANTIGENS AND PROTEINS USEFUL IN  
COMPOSITIONS FOR THE DIAGNOSIS AND PREVENTION  
OF LYME DISEASE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

This paper is in timely response to the Office Action dated April 2, 2004. Please enter the enclosed amendments and following remarks.

**Specification Amendments** are set forth on the attached Second Preliminary Amendment and substitute specification.

**Remarks/Arguments** are set forth on page 2 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: April 14, 2004  
Signature Kelly A. Karstaedt  
Name Kelly A. Karstaedt

## **REMARKS/ARGUMENTS**

In the outstanding Office Action the Examiner asserted that the Preliminary Amendment, enclosing a marked-up version of the specification pursuant to 37 CFR 1.125, did not comply with 37 CFR 1.121 (b.1.iii).

In an effort to comply with the requirements of 37 CFR 1.121 (b.1.iii), Applicant has forwarded a Second Preliminary Amendment, marked-up specification, and a clean copy of the specification. Applicant notes that material added is identified by underlining and material deleted is identified by strikeout. Further, the claims as set forth in the substitute specification comply with 37 CFR 1.121 (c).

Applicant respectfully requests that the Examiner consider the Second Preliminary Amendment and revised "Marked Up" and "Clean" versions of the application using underlining to show new matter.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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Attorneys for Applicant

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**SECOND PRELIMINARY AMENDMENT**

Sir:

Applicant and the undersigned attorney herewith submit a "Clean Copy" of the specification which is provided for publication purposes of the above-identified application as required under 37 CFR § 1.215 (a).

**Remarks/Arguments** are set forth on page 2 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: April 14, 2004

Signature Kelly A. Karstaedt  
Name Kelly A. Karstaedt



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

113

Application Number	10/632,780
Filing Date	August 1, 2003
First Named Inventor	M. Philipp
Art Unit	1645
Examiner Name	R. Zeman

Attorney Docket Number

TUL2BUSA

### ENCLOSURES (Check all that apply)

Fee Transmittal Form  
 Fee Attached  
 Amendment/Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation  
 Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_

After Allowance communication to Technology Center (TC)  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):  
 54 pp. Specification with Markings  
 54 pp. Specification without Markings

#### Remarks

Customer No. 00270

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	HOWSON AND HOWSON Mary E. Bak
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Signature	<i>Mary E. Bak</i>
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Date	April 14, 2004
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### CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Kelly A. Karstaedt
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Signature	<i>Kelly A. Karstaedt</i>
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Date	April 14, 2004
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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